

921095-95214



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF

Daniel P. Otto, et al

SERIAL NO.: 10/749,716

FILED: December 31, 2003

FOR: Direct Measuring Loaded Gauge
Axe Apparatus for Track Strength
Testing

) Examiner: Max H. Noori

)

) Group Art Unit: 2855

)

) Customer Number: 23644

)

Certificate Under 37 CFR 1.8(a)

) I hereby certify that this correspondence is being deposited with
the United States Postal Service as first class mail in an envelope
addressed to: Assistant Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450

on Friday, August 26, 2005


Donna B. Vandenberg

Honorable Director of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES. If any charges or fees must be paid in connection with the following Communication (including but not limited to the payment of Issue Fees), they may be paid out of our deposit account 12-0913. If this payment also requires a Petition, please construe this authorization to pay as the necessary Petition which is required to accompany this payment.

Applicant hereby petitions for a -month extension and entry of this Amendment which is sent within the month after the due date of , 2003. The payment of \$.00 to cover the -month extension is enclosed herewith.

RESPONSE TO OFFICE ACTION OF MAY 27, 2005

Barnes & Thornburg, LLP
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This Office Action can be separated into the following sections:

- I. Introduction, Page 3
- II. Claim Listing, Page 4
- III. Remarks, Page 10

I. INTRODUCTION

Dear Sir:

Responsive to the Office Action of May 27, 2005, Applicant makes the following amendments.

Applicant paid for 4 additional independent claims when the application was filed on December 31, 2003. Therefore, no additional fees should be due at this time. However, if the Examiner deems otherwise, any additional fees should be deducted from our Deposit Account 12.0913.